

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 04-10176-RWZ
)
HERIBERTO RUIZ)

JOINT INITIAL STATUS MEMORANDUM

Pursuant to Local Rule 116.5(A), the parties hereby submit this Joint Memorandum to address issues relative to the progress of this case.

1. The parties do not seek relief from applicable timing requirements imposed by the local rule.
2. The defendant seeks discovery concerning any expert witnesses, pursuant to Fed. R. Crim. P. 16(a)(1)(G). The government has agreed to provide the defendant with discovery concerning any expert witnesses twenty-eight (28) days before trial, and the defendant has agreed to provide the government with any reciprocal discovery concerning expert witnesses within fourteen (14) days of trial as required under Fed. R. Crim. P. 16(b)(1)(C).
3. Although the government has provided to the defendant all documents and other discoverable materials in this case pursuant to automatic discovery, the government may receive additional discoverable information, which it will turn over to the defense. Additionally, the defendant does not presently have any discoverable information, but pursuant to their agreement to provide reciprocal discovery, will provide the government with any such information received in the future.
4. The defendant is still reviewing the discovery materials received from the government, and needs additional time to complete his review. As a result, the defendant will not be able to evaluate whether or not any discovery letters, discovery motions and/or dispositive motions will be filed in this case. The defendant therefore needs additional time for the filing of these pleadings.
5. The parties, therefore, request an Order on Excludable Delay under the Speedy Trial Act from June 21, 2004

(date of arraignment) up to and including the date of the next scheduled Status Conference.

6. There have been only minimal discussions between the parties regarding the possibility of an early resolution of the case.
7. The parties request that an Interim Status Conference be scheduled in this case.

Respectfully submitted,

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HERIBERTO RUIZ,
Defendant

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